

## **Detailed Comments From the February 21, 2003, Public Meeting**

### Industry View

- ! Reduce the scope of security personnel covered under the Order to only armed responders and others required as part of the protective strategy. Exclude watchpersons because there is no urgent need for their inclusion. Consider watchpersons as a part of the fatigue rulemaking effort.
- ! A 10-hour break rather than an 8-hour break between work periods would have an impact on 8-hour shift schedules. For example, switching from one shift to another could result in a deviation for the 8-hour shift schedule. The 10-hour break could impact licensees on 12-hour shifts if they hold people over for more than 2 hours.
- ! Clarify the level of training required by the individual who would complete the fatigue evaluation as the basis for a deviation.
- ! The calculation of shift average work hours for actual hours worked is an improvement over a scheduling limit; however, the method to calculate such hours needs to be simplified. The inclusion of considerations regarding sick leave, absences and vacations are examples that result in a burdensome calculation. The average number of actual hours worked (1) should be a "snapshot" (e.g., for each calendar month) rather than over a rolling consecutive period and (2) should be based on the entire security force rather than the shift.
- ! Change the sub-heading "Planned Plant Outages" to "Planned Plant or Planned Security System Outages."
- ! Clarification of the phrase "increase in threat condition" is needed.
- ! Allow licensees to exceed the shift limits during unplanned plant outages and threat conditions for up to 210 days rather than 120 days. This increase would allow licensees more time to hire new security force personnel.
- ! Allow greater flexibility in the Order during emergency conditions (e.g., war). Verify such conditions could be addressed via a letter to the NRC rather than Part 50.90 requirements.
- ! The NRC should have greater sensitivity to situations that are beyond the licensee's control.
- ! Clarify that the clock is reset for the 120-day period when shifting from one threat level to a higher threat level.
- ! Delete the language describing self-declaration procedures that states: consistent with the requirements of 10 CFR Part 26, "Fitness-For-Duty Programs," and 10 CFR 50.7, "Employee Protection."
- ! Only require documentation on self-declarations of unfit for duty due to fatigue if the licensee disagrees with the individual's self-declaration and returns the individual to work.

- ! Provide additional guidance if an individual provides a self-declaration including whether a drug and alcohol test would be required and whether the evaluation must be performed by a psychologist or psychiatrist.
- ! Delete the following procedural requirement: "Address other factors that could affect fatigue such as mental stress, illness, and the use of prescription and over-the-counter medications."
- ! Licensees have some reluctance to hire new security force personnel as a result of uncertainties such as the design basis threat (DBT) and the unknown length of threat levels.
- ! Extend the implementation period of the Order from 60 days to perhaps 6 months to 9 months.
- ! The NRC should consider an integrated approach in its expectations regarding licensee implementation of the DBT, training and fatigue orders.
- ! Explain "could not have reasonably foreseen or controlled the circumstance" necessitating the deviation.

#### Nuclear Security Officers

- ! Limits on the ability of licensees to require overtime is needed to protect nuclear security officers at some facilities.
- ! Licensee would not need to rely on overtime or need deviations to cover sick leaves, late arrivals, and vacations if they would staff their shifts adequately. Shifts have been cut back to the bare bone.

#### Public View

- ! Change the language on individual limits to read the licensee shall "demonstrate" rather than "monitor" readiness.
- ! Further, it was noted that the individual limits are much greater than the Department of Energy's 1994 draft guidelines: no more than 12 hours per work day, including shift turnover, and no more than 60 total hours per work week.
- ! Include limits on work hours during threat conditions. Public was concerned that the security officers would be tired when needed the most.
- ! Indicated that the 16/24 work hour limit and 72/7 day limit were too long for any condition.